

AMENDED IN SENATE JUNE 30, 2016
AMENDED IN ASSEMBLY MARCH 31, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2346

**Introduced by Assembly Member Baker
(Coauthor: Assembly Member Obernolte)**

February 18, 2016

An act to amend Section 10952.5 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2346, as amended, Baker. Public social services: hearings.

Existing law provides various public social services and requires that an applicant for, or recipient of, public social services be accorded an opportunity for a state hearing if, among other reasons, the applicant or recipient is dissatisfied with any action of the county department relating to his or her application for, or receipt of, public social services. Existing law requires, if regulations require a public or private agency to write a position statement concerning the issues in question in a fair hearing, or if the agency chooses to develop such a statement, the agency to make available to the applicant or recipient a copy of the agency's position statement at the county welfare department not less than two working days prior to the date of the hearing. Existing law excludes the State Department of Health Care Services and the State Department of Public Health from that requirement.

This bill would additionally require a public or private ~~agency~~ *agency*, *upon request*, to provide a copy of the agency's position statement to the applicant or recipient through electronic means and would require

the State Department of Health Care Services to make its position statement available to the applicant or recipient and the State Department of Social Services through electronic means, as specified. The bill would ~~exempt~~ *exempt, for a specified period*, a public or private agency from complying with this requirement if it submits a specified report to the State Department of Social Services by December 31 of each year. The bill would also make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10952.5 of the Welfare and Institutions
2 Code is amended to read:
3 10952.5. (a) If regulations require a public or private agency
4 to write a position statement concerning the issues in question in
5 a fair hearing, or if the public or private agency chooses to develop
6 that statement, not less than two business days before the date of
7 a hearing provided for pursuant to this chapter, the public or private
8 agency shall make available to the applicant for, or recipient of,
9 public social services requesting a fair hearing, a copy of the public
10 or private agency's position statement on the forthcoming hearing.
11 The public or private agency shall make the copy available to the
12 applicant or recipient at the county welfare ~~department and~~
13 ~~department~~, *via United States mail, or, upon request*, through
14 electronic means. *Except as provided in subdivision (d), if the*
15 *applicant or recipient requests a position statement that contains*
16 *personal identifying information to be delivered through electronic*
17 *means, the position statement shall be delivered through secure*
18 *electronic means.* A public or private agency shall be required to
19 comply with this section only if the public or private agency has
20 received a 10-day prior notice of the date and time of the scheduled
21 hearing.
22 (b) If the public or private agency does not make the position
23 statement available not less than two business days before the
24 hearing or if the public or private agency decides to modify the
25 position statement, the hearing shall be postponed upon the request
26 of the applicant or recipient, if an applicant or recipient agrees to
27 waive the right to obtain a decision on the hearing within the

1 deadline that would otherwise be applicable under regulations. A
2 postponement for reason of the public or private agency not making
3 the position statement available within not less than two business
4 days shall be deemed a postponement for good cause for purposes
5 of determining eligibility to any applicable benefits pending
6 disposition of the hearing.

7 (c) Subdivisions (a) and (b) shall not apply to the State
8 Department of Health Care Services or the State Department of
9 Public Health, except that the State Department of Health Care
10 Services shall make its position statement available to the applicant
11 or recipient and the State Department of Social Services through
12 electronic means not less than two business days before the
13 scheduled hearing.

14 (d) (1) A public or private agency shall not be required to make
15 a copy of its position statement available to an applicant or
16 recipient through electronic means if the agency submits a report
17 by December 31 of each year to the State Department of Social
18 Services that includes both of the following:

19 ~~(1)~~

20 (A) The barriers the agency has identified that substantially
21 impede or prohibit the electronic provision of hearing documents.

22 ~~(2)~~

23 (B) The steps the agency is taking to address these barriers.

24 (2) *This subdivision shall become inoperative on the date that*
25 *the statewide electronic case management system administered by*
26 *the State Department of Social Services becomes operational and*
27 *has the capacity to provide position statements to claimants*
28 *through secure electronic means.*